ADAMS, J.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

| DAVID ZAMOS, II,, |) |
|-------------------------|------------------------------|
| Plaintiff, |) CASE NO. 5:06CV1035 |
| v. |) <u>Judge John R. Adams</u> |
| SBC OHIO, INC., et al., | OPINION & ORDER |
| Defendants. |) [Resolving Docs. 8, 32] |

This matter is before the Court on objections that the parties to this action filed in response to the Interim Report and Recommendation ("Interim R&R") that Magistrate Judge George J. Limbert issued in this matter. In his Interim R&R, the Magistrate Judge recommended that the Court grant, in part, Defendant The Ohio Bell Telephone Company's Motion to Dismiss for Lack of Jurisdiction.¹ According to the Magistrate Judge, *several* of Plaintiff's claims are within the exclusive jurisdiction of the Public Utilities Commission of Ohio ("the Commission").²

Defendant objected to the Interim R&R and claimed that *all* of Plaintiff's claims should be dismissed as within the exclusive jurisdiction of the Commission. Plaintiff, on the other hand, objected to the Interim R&R and claimed that *none* of his claims should be dismissed as within the exclusive jurisdiction of the Commission.

¹ In his Complaint, Plaintiff incorrectly named SBC Ohio, Inc. as a Defendant. The correct Defendant, however, is The Ohio Bell Telephone company, who formerly used the registered trade name "SBC Ohio, Inc."

² The Magistrate Judge's Interim R&R (ECF Doc. 21) sets forth the facts of this case and details Plaintiff's claims.

Case: 5:06-cv-01035-JRA Doc #: 34 Filed: 12/21/06 2 of 2. PageID #: 242

Pursuant to Federal Rule 72(b) and 28 U.S.C. § 636, the Court has conducted a de novo

review of the parties objections and hereby ADOPTS the Magistrate Judge's Interim R&R. No

further articulation of the Court's reasoning is necessary. Tuggle v. Seabold, 806 F.2d 87, 92-93

(6th Cir. 1986). Accordingly, Defendant's motion is GRANTED in part. The discovery stay is

hereby lifted and the Court will schedule a status conference to discuss how this case will

proceed and whether or not any dates need to be modified.

IT IS SO ORDERED.

December 21, 2006

Date

/s/ John R. Adams

John R. Adams U.S. District Judge

2